

EXECUTIVE NOTE

THE WILDLIFE AND COUNTRYSIDE ACT 1981 (EXCEPTIONS TO SECTION 14) (SCOTLAND) AMENDMENT ORDER 2012

SSI 2012/205

1. The above instrument is made in exercise of the powers conferred by section 14(2B) and (2D)(a) and (e) of the Wildlife and Countryside Act 1981.
2. The instrument is subject to negative procedure.

Policy Objectives

3. The purpose of the Order is to amend The Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012 (the principal Order) in response to questions raised by the Scottish Parliament's Subordinate Legislation Committee. The principal Order disapplies the section 14 offence in the Wildlife and Countryside Act 1981 (as inserted by section 14(2) of the Wildlife and Natural Environment (Scotland) Act 2011 (the 2011 Act) to certain specified types of animals and plants. This Amendment Order does not change the effect of the principal Order.

Changes applied by this instrument

4. Article 2(1) of the principal Order, which disapplies the offence, is amended to include a reference to the offence itself alongside the original reference to the power that provides for the exceptions to be made.
5. Some typographical errors in Part 2 of the Schedule to the principal Order are corrected.
6. The nomenclature for the species listed in Part 2 of the Schedule to the principal Order has been updated.
7. The reference to "Latin name" in article 2(2) and in the heading in column (2) of the table in Part 2 of the Schedule to the principal Order have also been amended to refer to "Scientific name".

Consultation

8. In exercising the powers given to them under Section 14(2B) and (2D) of the 1981 Act the Scottish Ministers are required to consult Scottish Natural Heritage (SNH) and any other person appearing to them to have an interest in accordance with section 26(4A) of the 1981 Act (as inserted by section 17(6)(c) of the 2011 Act).
9. In making this instrument the Scottish Ministers have consulted SNH. No other persons were judged to have an interest as the instrument merely amends the form of the principal Order and does not change its effect.

Equalities Impact Assessments

10. There are no equalities impact issues.

Financial Effects

11. A Regulatory Impact Assessment was included in the consultation for the 2011 Act. The restrictions and requirements in this Order are maintaining the status quo (following repeals) therefore there are no financial effects anticipated.

Directorate for Environment and Forestry
June 2012